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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,316	10/03/2001	Steven D. Day	100075.90292	1889
26710	7590	10/03/2003		
QUARLES & BRADY LLP 411 E. WISCONSIN AVENUE SUITE 2040 MILWAUKEE, WI 53202-4497			EXAMINER RHEE, JANE J	
			ART UNIT 1772	PAPER NUMBER 8
DATE MAILED: 10/03/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/970,316

Applicant(s)

DAY ET AL.

Examiner

Jane J Rhee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application):
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4,7-9,11 are rejected under 35 U.S.C. 102(b) as being anticipated by Milani et al. (1509657).

Milani et al. discloses a multisided bellows cover for extending between relatively movable parts of a machine to which the bellows is mounted one end of the bellows being affixed to one of the parts (figure 1) and an opposite end of the bellows being affixed to the other part (figure 1) so that the bellows is extended when the parts move relatively apart and the bellows contracts when the parts move relatively together (figure 1 number 4), the bellows substantially enclosing the space between the parts as the parts move relatively together and apart, each side of the bellows including an accordion folded panel (figure 1 number 4), the improvement wherein each of the panel includes a plurality of relatively rigid wall sections (figure 1 number 2) spaced apart by a plurality of web sections which relative to the wall sections are flexible (figure 1 number 4), wherein each of the web section is integrally molded with a longitudinal edge of at least one wall section (figure 1 number 4) and wherein at least two adjacent sides of the bellows are not integrally connected (figure 1 numbers 1 and 3). Milani et al. discloses that the wall sections and the integral web sections are extruded profiles (figure 1

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number 4). Milani et al. discloses at least some of the web sections and adjacent wall sections are connected by bead in slot connection (figure 1 number 10 and 5). Milani et al. discloses that the bellows has corners between adjacent sides of the bellows and the corners are formed by a web of flexible material, which is affixed to each of the sides (figure 1 number 4). Milani et al. discloses that each web section has a wall section along one longitudinal edge and a bead along the opposite longitudinal edge (figure 1 number 4 and 10). Milani et al. discloses that wherein a wall adjacent to the bead captures the bead in an open slot of the wall (figure 1 number 5). Milani et al. discloses that wherein multiples walls and webs are molded edge to edge in one piece (figure 1 number 4 and 2). Milani et al. discloses that the corner connects at least two non-integrally connected adjacent sides of the bellows, the corner being not integrally connected to at least one of the sides (figure 2).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5-6,10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milani et al. in view of Hennig (4745848).

Milani et al. discloses a multisided bellows cover for extending between relatively movable parts of a machine to which the bellows is mounted one end of the bellows being affixed to one of the parts (figure 1) and an opposite end of the bellows being

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affixed to the other part (figure 1) so that the bellows is extended when the parts move relatively apart and the bellows contracts when the parts move relatively together (figure 1 number 4), the bellows substantially enclosing the space between the parts as the parts move relatively together and apart, each side of the bellows including an accordion folded panel (figure 1 number 4), the improvement wherein each of the panel includes a plurality of relatively rigid wall sections (figure 1 number 2) spaced apart by a plurality of web sections which relative to the wall sections are flexible (figure 1 number 4), wherein each of the web section is integrally molded with a longitudinal edge of at least one wall section (figure 1 number 4) and wherein at least two adjacent sides of the bellows are not integrally connected (figure 1 numbers 1 and 3). Milani et al. fail to disclose a strap attached to the bellows. Milani et al. fail to disclose that the corners are square and chamfered. Hennig teaches that the corners are square and chamfered (figure 8 numbers 20 and 9) and a strap attached to the bellows (figure 4 number 11) for the purpose of wear resistant, very stable and lasting construction (col. 1 lines 38-39,47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provide Milani et al. with the corners that are square and chamfered and a strap attached to the bellows in order to obtain a wear resistant construction as taught by Hennig (col. 1 lines 47).

***Response to Arguments***

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3. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 703-605-4959. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for

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the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Jane Rhee  
September 23, 2003



HAROLD PYON  
SUPERVISORY PATENT EXAMINER

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9/30/03